IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SIXTEENTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

WRIT PETITION NO : 1561 of 2005

Between:

Girijan Youth Cultural Association, (Regd.No.90/83),

Kondatemburu Village Nandigama Mandal,
Srikakulam District, rep. by its Secretary,

Kolaka Sambasiva Rao, S/o. Ithayya,
33 years, Chief functionary Office, Raja Street,

Tekkali, Srikakulam District.

..... PETITIONER

AND

1. The District Collector, Srikakulam.
2. The Revenue Divisional Officer, Tekkali Srikakulam District.
3. The Mandal Revenue Officer, Nandigama Mandal, Srikakulam District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to Issue writ of mandamus or any other appropriate writ or direction in proposing to lease out the lands in Survey No. 273 admeasuring Ac.180.00 of Madigapuram Village, Nandigam Mandal, Srikakulam District without following the procedure as contemplated in the Act as illegal arbitrary and consequently direct the respondents to grant permission to the petitioner society for cultivating the lands by medicinal plantation and natural herbs and pass such other or further orders s the Hon'ble

Court feels deem fit and proper in the facts and circumstances of thecase.

Counsel for the Petitioner: MR.K.BHEEMA RAO
Counsel for the Respondents: GP FOR REVENUE

The Court made the following:

ORDER:

The writ petition is filed for declaring the action of the respondents in proposing to lease out the lands in Survey No.273 admeasuring Ac.180.00 of Madgapuram village, Nandigam Mandal, Srikakulam District to the society, without following the procedure, as illegal and arbitrary.

2. When the matter is taken up admission, the Court directed the learned counsel for the petitioner to produce necessary documents relating to the registration of the association and the list of the members of the association and its activities. But, the learned counsel for the petitioner has not produced the said documents. In the absence of such documents, it is not appropriate to decide that when the society was registered as Youth Cultural Association and what are the activities that are conducted by the society. The learned counsel for the petitioner has also not produced even its bye-laws. Further, there is no proof to show that whether the Gram Panchayat, Anandapuram has passed the resolution on 5.1.2002 allotting an extent of Ac.180.00 of land to the society for cultivation of 31 identified medicinal plants, except contending the same in the writ petition.

3. In the absence of such documents, it is not appropriate to proceed further in this writ petition and the writ petition is totally devoid of merits and it is liable to be dismissed.

4. Accordingly, the writ petition is dismissed. No order as to costs. However, it is open to the petitioner to file a fresh writ petition with all necessary material on which he is relying.

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(ELIPE DHARMA RAO, J)

Date: 16.6.2005

Ksn

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. The District Collector, Srikakulam.
2. The Revenue Divisional Officer, Tekkali Srikakulam District.
3. The Mandal Revenue Officer, Nandigama Mandal, Srikakulam District.

4. Two CCs to G.P. for Revenue, High Court Buildings, Hyderabad (OUT)

5. 2 CD copies

*Form-NIC-OGS/WP{**JGK**}*